

REMARKS

This is being filed responsive to the non-final Office Action mailed February 15th, 2008 and subsequent to the filing of the second Notice of Appeal. In the Office Action, all claims were rejected on basis of Jijina under 35 U.S.C. § 103(a). However, that reference qualifies as prior art only under 35 U.S.C. § 102(e) and is commonly owned subject matter not available as a reference under 35 U.S.C. § 103(c). Accordingly, this paper is being filed solely to submit evidence of this common ownership.

Other Evidence After Appeal 37 CFR §41.33

The subject matter of the Jijina reference and that of the claimed invention were, at the time the claimed invention was made, owned by the same entity or subject to an obligation of assignment to the same entity. Thus, Jijina is not proper prior art for purposes of a rejection under 35 U.S.C. § 103. Attached to this paper is a copy of the Patent Assignment Abstract of Title from the USPTO website for both this application and the Jijina reference showing that they have, in fact, been assigned to a common owner. This Abstracts are being submitted in compliance with 37 C.F.R. §41.33(d)(1) governing, *inter alia*, evidence after appeal. Section (d)(1) states:

An affidavit or other evidence filed after the date of filing an appeal pursuant to §41.31(a)(1) through (a)(3) and prior to the date of filing a brief pursuant to §41.37 may be admitted if the examiner determines that the affidavit or other evidence overcomes all rejections under appeal and that a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented has been made.

Accordingly, this evidence is being submitted to reduce issues on appeal by overcoming all claim rejections made in the last Office Action. Furthermore, this evidence was not presented earlier because no such § 103 rejection involving Jijina had been made.

Accordingly, Applicant respectfully requests the entry of this document into evidence in accordance with §41.33(d)(1).

The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this application.

The Commissioner is hereby authorized to charge any required fees or refund any overpayment associated with this communication to Deposit Account No 07-0960.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

/James D. Stevens/

Date: August 14, 2008
JDS/ECC

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Patent Assignment Abstract of Title

***NOTE: Results display only for issued patents and published applications.
For pending or abandoned applications please consult USPTO staff.***

Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 10079865

Filing Dt: 02/21/2002

Publication #: 20030158946

Pub Dt: 08/21/2003

Inventor: Uma Arunkumar

Title: Speedy delivery of communication to a vehicle

Assignment: 1

Reel/Frame: 012623/0772

Recorded: 02/21/2002

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: ARUNKUMAR, UMA

Exec Dt: 02/18/2002

Assignee: GENERAL MOTORS CORPORATION
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Correspondent: GENERAL MOTORS CORPORATION
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Search Results as of: 08/14/2008 09:02 PM

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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

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For pending or abandoned applications please consult USPTO staff.

Total Assignments: 1

Patent #: 6904141

Issue Dt: 06/07/2005

Application #: 10001941

Filing Dt: 11/30/2001

Publication #: 20030103599

Pub Dt: 06/05/2003

Inventors: Jasmin Jijina, John J. Correia, Ronald W. Fraser, William E. Mazzara JR. et al

Title: METHOD AND DEVICE FOR REMOTELY ROUTING A VOICE CALL

Assignment: 1

Reel/Frame: 013550/0873

Recorded: 11/21/2002

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 01/30/2002

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Exec Dt: 01/30/2002

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Exec Dt: 01/30/2002

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Exec Dt: 01/30/2002

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Exec Dt: 01/30/2002

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